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MITMESSER DECLARATION IOT MOTION FOR CLASS CERTIFICATION

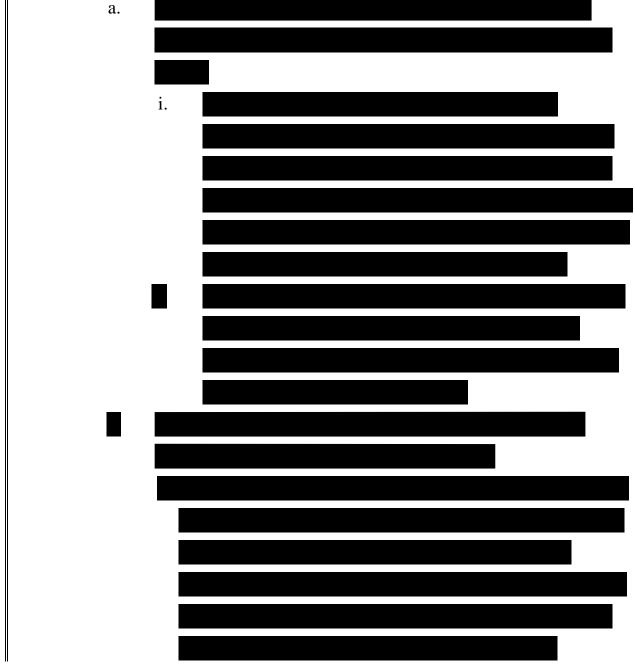
**DECLARATION OF SUSAN H. MITMESSER** 

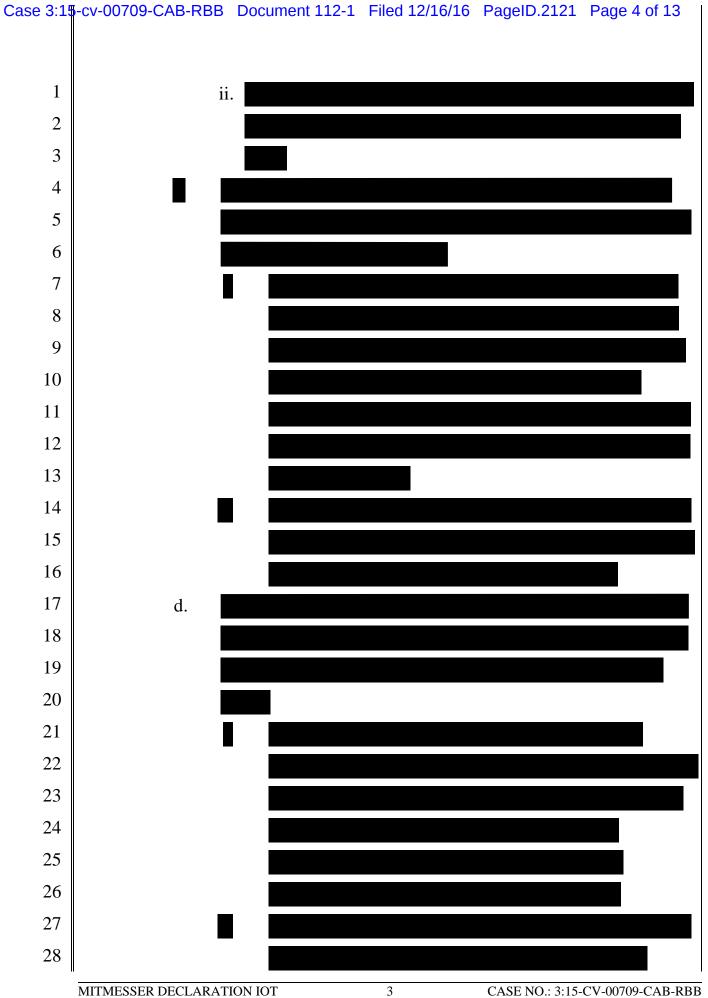
I, Susan H. Mitmesser, declare:

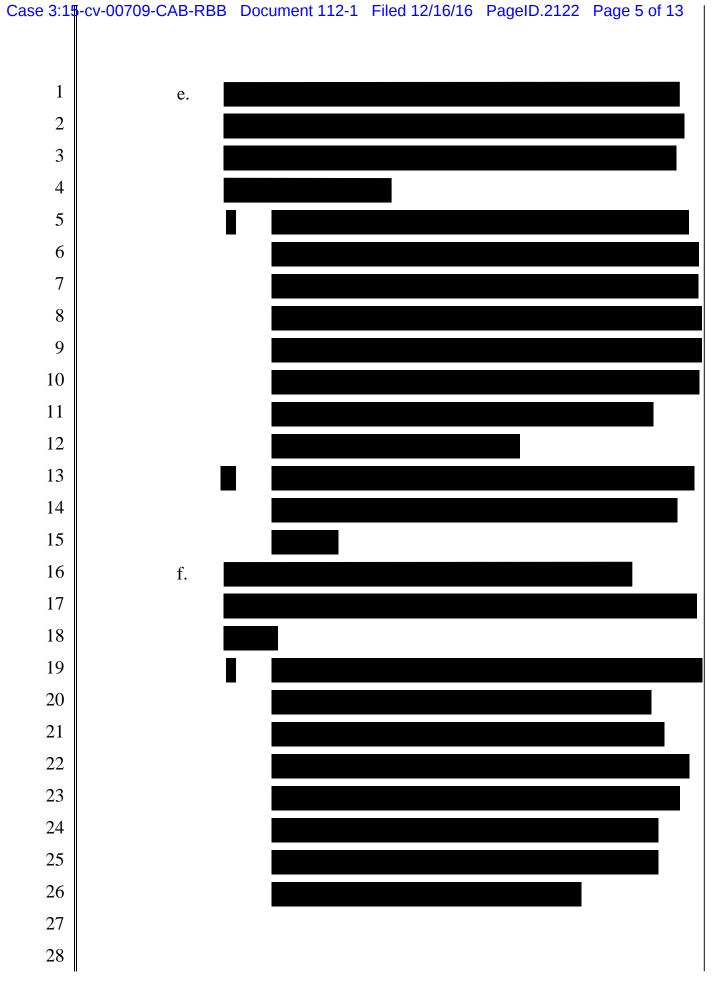
- 1. I am currently employed by The Nature's Bounty Co. f/k/a NBTY, Inc. ("NBTY"). My current title is Senior Director of Nutrition and Scientific Affairs. I make this declaration in opposition to Plaintiff's Motion for Class Certification. I make this declaration of my own personal knowledge. If I were called to testify, I could and would testify competently to the matters herein.
- 2. I graduated from Berea College in 1995 with a degree of nutrition. I graduated from the University of Nebraska with a Master's Degree in 1997. In 1998, I obtained a medical nutrition degree from the University of Nebraska Medical School. Finally, in 2003, I obtained a Ph.D. in nutrition and biochemsitry from the University of Nebraska.
- 3. As the Senior Director of Nutrition and Scientific Affairs, I am familiar with and ultimately responsible for the statements on the labels of the Ginkgo Biloba products manufactured by NBTY, including the Nature's Bounty and Rexall Sundown Ginkgo Biloba products at issue in the *Petkevicius v. NBTY* lawsuit and the trunature Ginkgo Biloba product at issue in the *Korolshteyn v. Costco, et al.* lawsuit (collectively the "Ginkgo Products").
- 4. NBTY maintains confidential "Structure Function Files," which include information regarding the substantiation of every claim made on our product labels and the functionality of the product's ingredients, including one for the active ingredients in the Ginkgo Products. While the information in these files may be publicly available, the company treats its unique collection of publicly available studies and information as proprietary and confidential
- 5. During the course of this litigation, we produced that substantiation to Plaintiffs in both lawsuits.

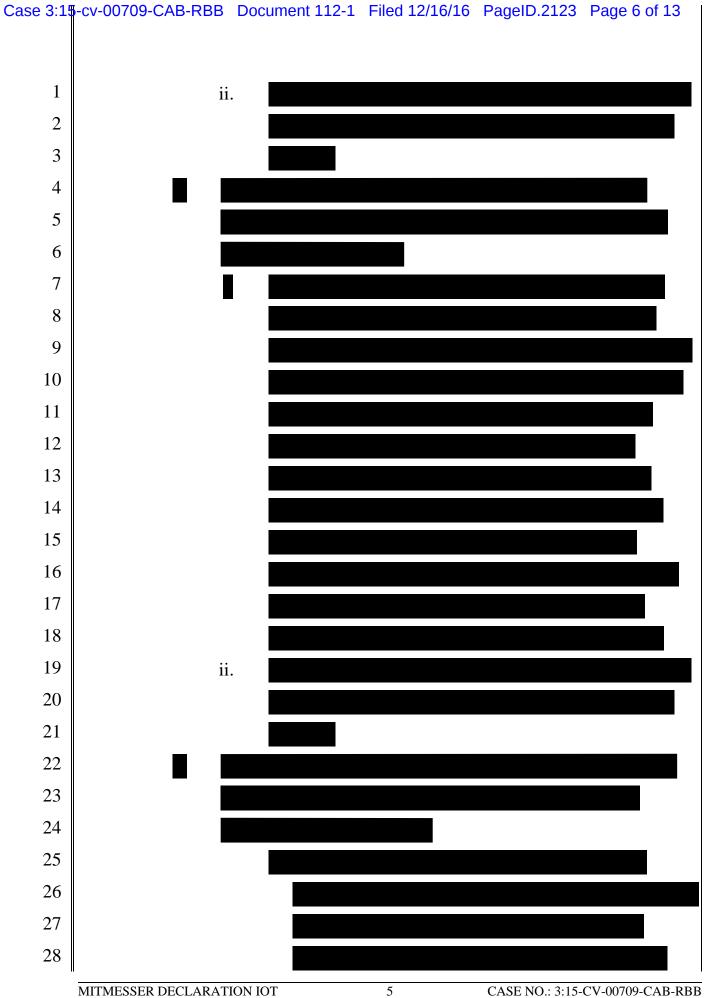
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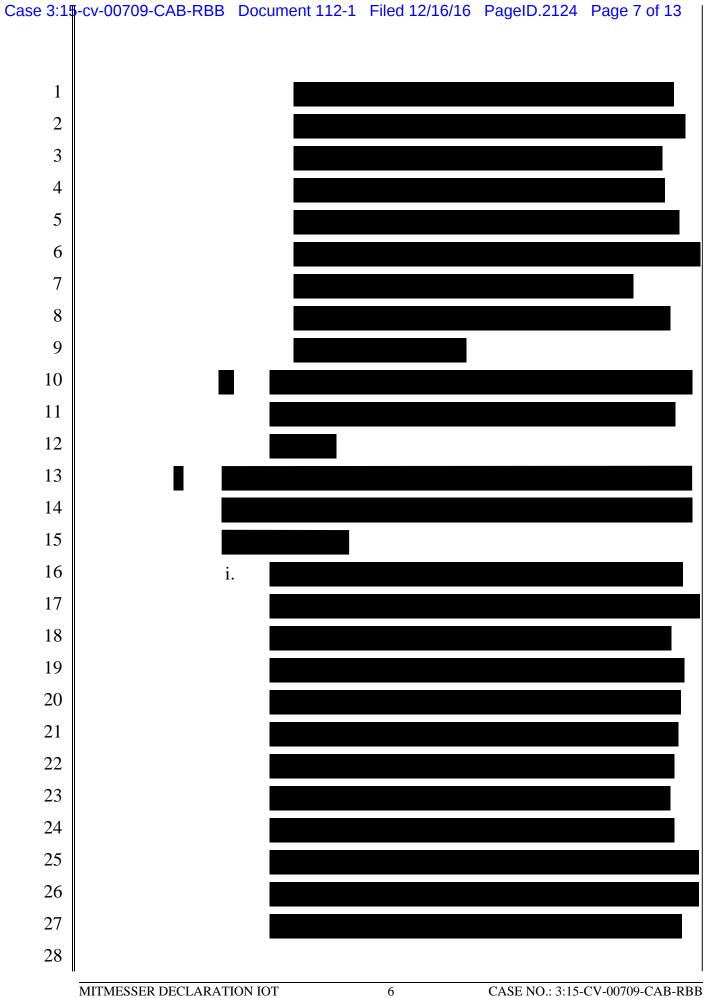
7. Among the studies relied upon by NBTY in support of the claims made on the labels of the Ginkgo products are the following eighteen (18) studies which have been attached hereto as Exhibits A-R:

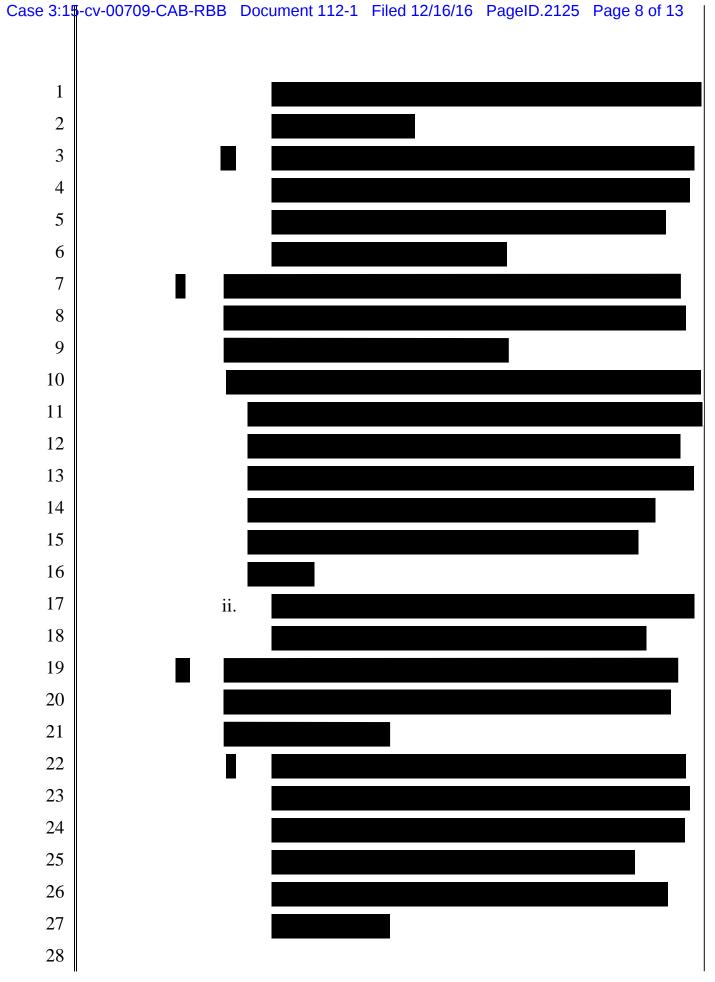


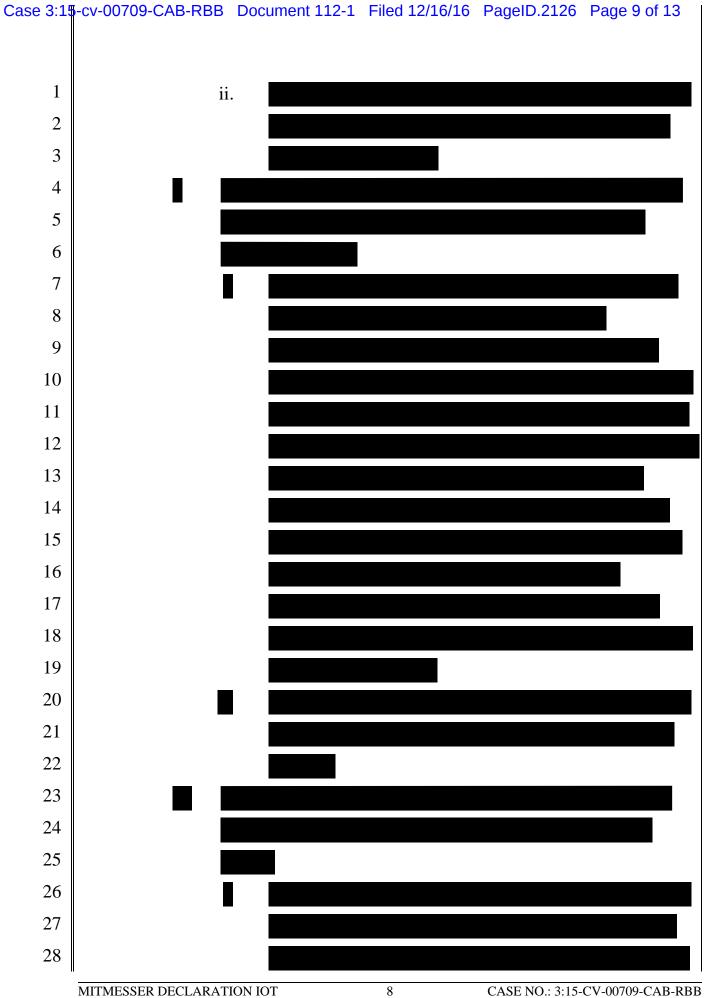


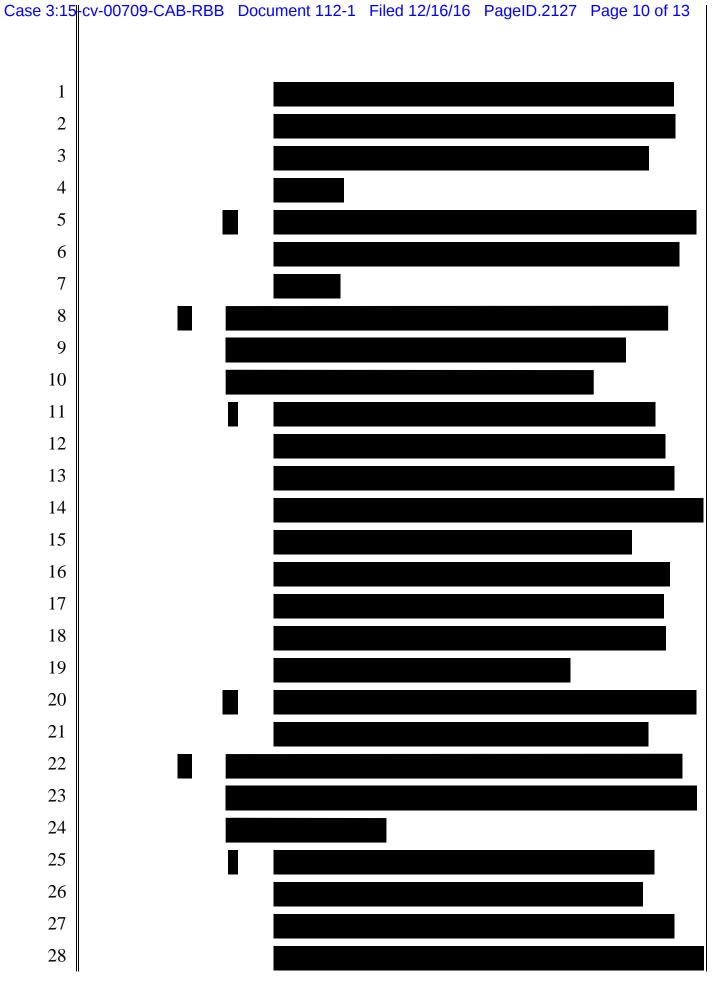


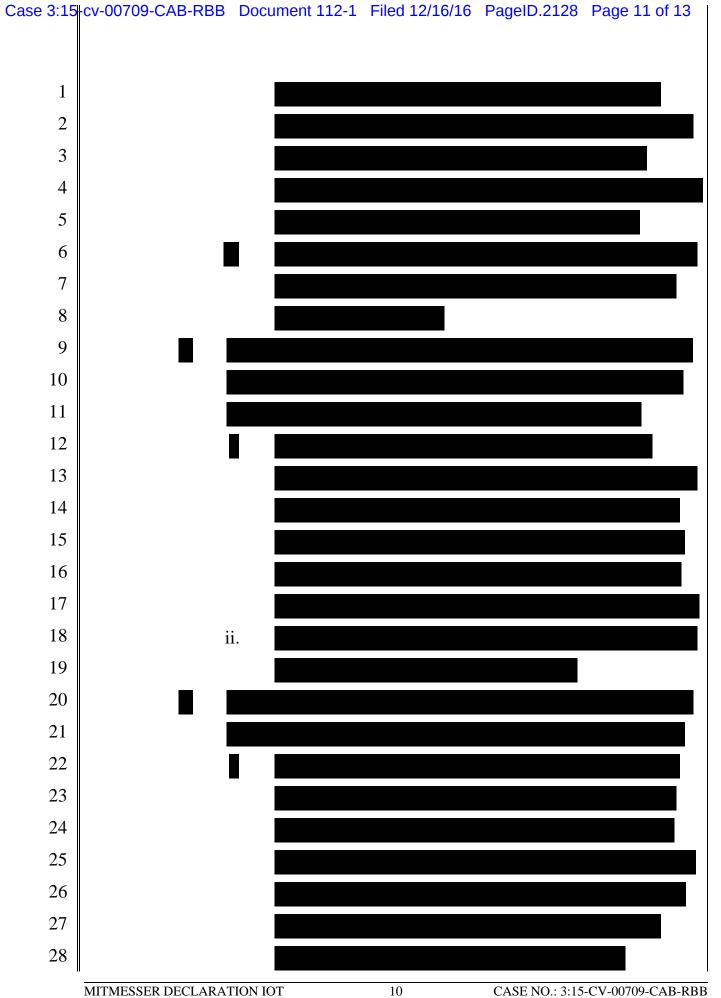


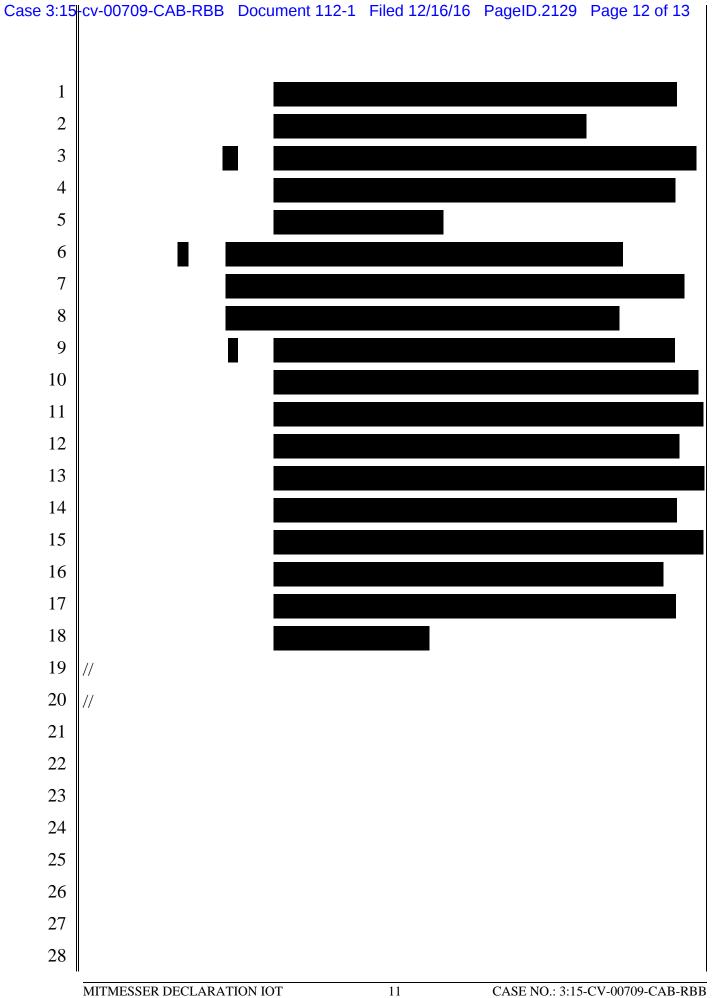












ii. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 9th day of December 2016, at Hillsdale, Michigan. Susan H. Mitmessser